

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ANDREW R. PERRONG)
1657 The Fairway #131 Jenkintown, PA 19046)

Plaintiff,
vs.

Civil Action
No. 17-3664

TRANZVIA, LLC ("TRANZVIA"))
1209 ORANGE ST.)
WILMINGTON, DE 19801,)

Et. Al.

Defendants.

Jury Trial Demanded

MOTION FOR CLERK'S DEFAULT JUDGEMENT PER RULE 55(b)(1)

Comes now Andrew Perrong and requests the Clerk of Court, pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, for entry of a judgment by default against the defendant ARRIS HOLINGS, INC. In support of this request, relies upon the record in this case and the affidavit submitted herein.

Dated: 9/11/2017



Andrew Perrong
Plaintiff Pro-Se
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1657 The Fairway #131 Jenkintown, PA 19046)	
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Plaintiff,)	Civil Action
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AFFIDAVIT IN SUPPORT OF

CLERK'S DEFAULT JUDGEMENT PER RULE 55(b)(1)

I, ANDREW R. PERRONG, declare under penalty of perjury that the following facts are true and correct to the best of my information and belief:

1. I am the plaintiff pro-se in this action.
2. The summons and complaint were duly served upon defendant ARRIS HOLDINGS, INC on August 18th, 2017.
3. No response has been served within the time allowed by law nor has defendant sought additional time from the court within which to respond.
4. Default has been entered against the defendant on September 11, 2017.
5. The claim of the plaintiff is for the sum of \$45,000 plus interest from the date of judgment as provided by law, together with the costs of this action. The damages requested are statutory in nature and capable of being calculated as follows:

- a. Five “robocalls” in violation of 47 U.S.C. § 227(b)(1)(A), which carries a minimum statutory penalty of \$500 per call pursuant to 47 U.S.C. § 227(b)(3)(B), which are trebled pursuant to 47 U.S.C. § 227(b)(3).
- b. Five “sales calls” to a number on the National Do Not Call registry in violation of 47 U.S.C. § 227(c)(3)(F), and 47 C.F.R. 64.1200(c)(2), which carries a minimum statutory penalty of \$500 per call pursuant to 47 U.S.C. § 227(c)(5)(B), which are trebled pursuant to 47 U.S.C. § 227(c)(5).
- c. Five instances of “lack of opt out mechanism” in violation of 47 CFR 64.1200 (b)(3), which carries a minimum statutory penalty of \$500 per call pursuant to 47 U.S.C. § 227(c)(5)(B), which are trebled pursuant to 47 U.S.C. § 227(c)(5).
- d. Five instances of “caller ID spoofing” in violation of 47 U.S.C. § 227(e), which carries an implied minimum statutory penalty of \$500 per call pursuant to 47 U.S.C. § 227(c)(5)(B), which are trebled pursuant to 47 U.S.C. § 227(c)(5).
- e. Five refusals to put plaintiff on defendant’s “do not call list” in violation of 47 CFR 64.1200(d)(3), which carries a minimum statutory penalty of \$500 per call pursuant to 47 U.S.C. § 227(c)(5)(B), which are trebled pursuant to 47 U.S.C. § 227(c)(5).
- f. Five refusals to provide plaintiff defendant’s “do not call policy” in violation of 47 CFR 64.1200(d)(1), which carries a minimum statutory penalty of \$500 per call pursuant to 47 U.S.C. § 227(c)(5)(B), which are trebled pursuant to 47 U.S.C. § 227(c)(5).

g. Damages are thus calculated at \$45,000 total as such: \$7,500 for count (a), \$7,500 for count (b), \$7,500 for count (c), \$7,500 for count (d), \$7,500 for count (e), and \$7,500 for count (f).

6. For the foregoing reasons, Plaintiff moves the Clerk of Court to enter judgement against defendant ARRIS HOLDINGS, INC in the amount of \$45,000, plus interest and costs, pursuant to Federal Rules of Civil Procedure Rule 55(b)(1), since the judgement is for a certain sum.

FURTHER AFFIANT SAYETH NAUGHT

Commonwealth of Pennsylvania, County of

Bucks

Before me, the undersigned notary public, this
day appeared

Andrew Perrong

to me known, who being duly sworn
according to law, deposes the above.

Subscribed and sworn to before me

this 11 day of September

20 17.

Victoria Yevalenko

Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Victoria Yevalenko, Notary Public
Upper Southampton Twp., Bucks County
My Commission Expires June 7, 2019

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Dated: 9/11/2017

***Kate Barkman*, Clerk of Court (or deputy)**